

**DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM
BOARD OF MANAGERS
PUBLIC SESSION MEETING MINUTES
November 29, 2018**

OPENING AND ATTENDANCE

The Board of Managers meeting was held at the Delaware Criminal Justice Information System located in Dover, Delaware. Ms. Bhate called the meeting to order at approximately 10:00 a.m.

Those in attendance included:

BOM MEMBERS

Michelle Hoffman	Family Court
Gregory Patterson	DOJ
Marian Bhate	ODS
Michelle Darling	DYRS
Lt. Fred Calhoun	NCCPD
Renee Rigby	DSP
Sec. James Collins	DTI
Elmer Setting	AOC
Marianne Kennedy	JP Court
Phil Winder	DOC
Jeffrey Horvath	DE Police
	Chiefs' Council

STAFF

Earl McCloskey	DELJIS
Mary Hansen	DELJIS
Michael Kelly	DELJIS
Alyssa Huenke	DELJIS
Lynn Gedney	DELJIS
Lisa Morris	DAG

PUBLIC AND NON-VOTING PARTIES

Capt. Benjamin Parsons
Isabella Kaplan
Ronald Stoner
William Goins
Shelley Swafford

I. REVIEW AND APPROVAL OF MEETING MINUTES

BOM Public Session Minutes – Ms. Darling made a motion to approve the October Board of Managers public session meeting minutes. Lt. Calhoun seconded the motion. All in favor, motion carried.

BOM Executive Session Minutes – Lt. Calhoun made a motion to approve the October Board of Managers executive session meeting minutes. Mr. Horvath seconded the motion. All in favor, motion carried.

II. HEARINGS

A motion was made by Lt. Calhoun to enter Executive Session pursuant to 29 Delaware Code §10004 to discuss criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy, and/or to discuss documents excluded from definition of public record where such discussion may disclose the contents of such documents, including pursuant to §10002 (l)(3)(5)(6)(9) and seconded by Ms. Kennedy. All in favor, motion carried.

- Case 201807025D – Lt. Calhoun made a motion to take no action in Case 201807025D as the Board has determined there was no misuse of the system. The motion was seconded by Mr. Setting. All in favor, motion carried.
- Case 201807025B – Ms. Kennedy made a motion to reinstate the Appellant's access after retraining in DELJIS security policies with a strong admonition to always gather information from individuals asking for case details and her DELJIS activity to be reviewed after thirty days. The motion was seconded by Mr. Setting. All in favor, motion carried.

III. NETWORK MANAGEMENT

- Apartment Access – Ms. Bhate advised the discussion about DELJIS access for apartment complexes was tabled during the October Board of Managers meeting due to time constraints. DAG Morris provided an overview of what the Board wanted to discuss. She advised that the members of the Board had some concerns regarding the access that has been given to apartment complexes and wished to determine how to address those concerns. Previously, there was a proposal that DELJIS conduct a site audit when an apartment complex applies for access to determine whether or not the computer would be housed in a secure location. DAG Morris advised the Board could also change the access that the apartments have been granted so far. She added that six different apartment complexes have been approved for access. Ms. Bhate advised that she recalls a member of the Board asking if access that has already been approved can be revoked.

Mr. Winder asked for an explanation of the business purpose for apartment complexes to have access to DELJIS. DAG Morris advised the basis of the access is to screen residents in order to comply with federal HUD requirements. She advised that the applicants that have come before the Board have asked for the ability to use DELJIS to screen potential residents for eligibility under HUD and Section 8 standards. Ms. Kennedy added that, from what she recalls, recent applicants have also been asking to check visitors of the properties. Mr. McCloskey stated that the Board was concerned with using DELJIS to monitor visitors and that is what led to the current discussion.

Ms. Bhate mentioned the red light/green light system used by the schools and wondered whether or not a similar method would be beneficial for the apartment complexes. She added that she believes that would provide the apartment complexes a way to determine eligibility, without providing too much information. Mr. Horvath asked how the apartment complexes that do not have DELJIS access verify the eligibility of potential residents under HUD requirements. It was discussed that they often use a third party and pay for background checks.

Ms. Rigby stated that if the Board decides that the apartment complexes should be approved for DELJIS access, there should be a set standard for use. Ms. Kennedy advised that DELJIS would not be able to monitor the activity, but asked if an MOU would be sufficient enough to clarify when using DELJIS would be acceptable. DAG Morris referred to copies of user agreements that Ms. Hansen distributed to the

Board pertaining to research requests, private entities, government agencies, and criminal justice agencies. DAG Morris stated that the apartment complexes would fall under the private entity user agreements, and that there is a clause included where restrictions can be listed as determined by the Board. Ms. Darling advised that she is mostly concerned with whether or not there is a vested criminal justice interest or purpose. She added that she can see some support for the purpose of ensuring compliance with federal regulations for fair housing, though she believes there are other methods for accomplishing that.

There was discussion regarding how the red light/green light program works for the schools and possibilities of implementing a similar process for the apartments. DAG Morris advised that the confirmation of whether or not there is criminal history is considered dissemination. She added that the apartments would need to have approval of indirect access, at a minimum, in order to have red light/green light. Lt. Calhoun asked if the apartment complexes use their DELJIS on a frequent basis. Mr. McCloskey stated that some do so more than others. He added that there is one complex with access that has never used DELJIS.

Mr. Patterson asked if the law enforcement agencies see the apartments having DELJIS access as beneficial. Lt. Calhoun advised that he believes Arbor Management has been helpful for New Castle County PD. Mr. Setting added that Arbor Management is a marquee example of how the system should be used for apartments, but other complexes may not necessarily meet the same standard. There was discussion about whether or not Arbor Management set a certain criteria in their internal processes that other complexes do not provide. DAG Morris advised that the Board is able to invite Arbor Management to attend a meeting to discuss how they use the system and protect the information. The Board is then able to establish a gold standard based on that discussion. DAG Morris added that the Board could review the apartments that currently have access and require them to adopt the standard or revoke their DELJIS access if they fail to meet the standard. Ms. Rigby advised that she supports the idea of establishing a standard to provide consistency. She added that if apartments are granted access they should each have the same type of access. Lt. Calhoun mentioned possibly implementing a transaction fee associated with each DELJIS inquiry the apartments conduct. He stated that he believes that would be an effective way of ensuring DELJIS is used for legitimate purposes. DAG Morris advised that she believes there would most likely be legislation required to allow DELJIS to charge transaction fees.

Secretary Collins advised he is in favor of establishing a set standard for apartment complexes. He added that he would like to have Arbor Management come to discuss their procedures. Ms. Bhate asked if the other members of the Board feel that they want to grant access to apartment complexes should they apply. Ms. Darling advised that she is concerned about potential liability if an apartment complex runs into a civil liberties issue by denying a person housing or evicting them based on information obtained from DELJIS. Mr. Horvath advised he believes DELJIS would be protected as federal regulations require the information be

checked. Lt. Calhoun asked if there is a way to allow law enforcement agencies to be able to provide the information the apartments are requesting by way of indirect access. He advised that doing so would build the relationships between local law enforcement and the complexes. Lt. Calhoun mentioned providing indirect access and specifying that the local law enforcement agency be the one to provide the requested information. DAG Morris advised that the law enforcement agency would be required to maintain a secondary dissemination log and they would need to be aware of the parameters of the information allowed under the indirect access. Ms. Bhate advised she likes Lt. Calhoun's idea much better than providing direct access to DELJIS. Mr. Winder advised he thinks something similar to the red light/green light program would be beneficial. DAG Morris reviewed the mainframe and web portal menus that the apartment complexes have access to. There was discussion about what information is displayed. Lt. Calhoun asked if the red light/green light option would have an impact on DELJIS. Mr. McCloskey advised that the programming exists, but the complexes would have to pay software to be able to utilize same. Ms. Gedney advised that a special inquiry menu could be created for the apartment complexes based on the federal requirements.

DAG Morris mentioned that the Board could create a subcommittee to discuss options or DELJIS could review capabilities internally and report back to the Board. Lt. Calhoun stated he feels that it is best for DELJIS to decide what the agency is capable of before deciding on a solution. Ms. Bhate asked if there is consensus that the Board is not in favor of providing direct access to the apartment complexes. The members of the Board agreed to focus on solutions that involve more limited options. DAG Morris suggested an audit of activity to see what the apartments are currently accessing. Ms. Darling asked if there was a way to compare activity to what the federal housing requirements are. DAG Morris advised they could refer to the federal law. Mr. McCloskey advised Ms. Hansen will run a six month history of DELJIS activity for the apartment complexes.

- Indirect Access – DAG Morris advised that during the October meeting, the Board discussed incorporating procedures for indirect access in the regulations. She added that Ms. Rigby was able to provide her with the FBI CJIS guidelines. DAG Morris prepared two documents for the Board to review. The first document was a draft MOU that contractors would be required to sign. The second document was a draft of proposed regulations. The proposed regulations would add definitions of a contractor and a contracting government agency. DAG Morris gave a brief overview of the proposed regulations. She stated that the proposed regulations can be discussed in full or, in the interest of time, the draft of the regulations can be reviewed by the members of the Board and revisited at the next meeting. DAG Morris added that the Board may send her feedback and she can revise the proposed regulations accordingly. Ms. Rigby advised she believes the members of the Board should review the draft regulations on their own and revisit at the next meeting.

DAG Morris then discussed the draft MOU for contractors. Ms. Rigby asked for an explanation of a scenario when this MOU would be used. DAG Morris provided a brief overview of how DSCYF uses third party vendors with indirect access to conduct follow-up inspections after a child is returned to the parent if that child was born addicted to drugs. She advised that the purpose of the MOU is to clarify how DELJIS information is to be relayed, such as by encrypted e-mail with provisions preventing the message from being forwarded or printed, and the contractors would be required to sign the agreement. Ms. Bhate suggested that the members of the Board review the draft MOU along with the proposed regulations and revisit the discussion in January.

IV. STRATEGIC ISSUES

- DELJIS Modernization Report – Mr. McCloskey advised he was informed during his most recent meeting that DTI was not actively seeking solutions relating to the Mainframe Modernization Project, but he is waiting for further clarification.

V. COMMITTEE REPORTS

There were no committee reports.

VI. OLD BUSINESS

- Automated Usage Statistics - Mr. McCloskey referenced Attachment B in the meeting handouts and reviewed the automated usage statistics with the attendees.
- Project Status Report – Mr. McCloskey referred to Attachment C in the meeting handouts and advised the Board that a number of projects have been placed on hold due to the deadlines relating to Weapons Relinquishment and Lethal Protection Orders. He added that the next deadline is December 26th. Mr. McCloskey stated that there will be a demonstration of the new features at the CJ Users Group and Delaware Police Chiefs' meetings. There was discussion about the Use of Force and Weapons Used projects. Mr. McCloskey added that those changes will be implemented on January 1, 2019.

VII. NEW BUSINESS

- MOUs for School Districts – In the interest of time, the Board of Managers decided to table the discussion regarding School District MOUs until the meeting on January 17, 2019.
- Basis of Inquiry Access – Ms. Bhate advised that during November's meeting, Ms. Rigby mentioned having a discussion about users conducting inquiries after seeing a headline or article in the media. Mr. Setting advised that he believes this concern is already covered in the user agreements where it states that inquiries can only be conducted if there is a legitimate business reason. The Board came to the agreement that there was no further discussion regarding this matter.
- Selection of Nomination Committee – Ms. Bhate appointed Ms. Rigby, Mr. Horvath, and Mr. Setting as members of the Nomination Committee. She advised the

Nomination Committee will be meeting immediately following the Board of Managers meeting to determine the slate of officers to be presented to the full Board in January.

VIII. PUBLIC COMMENT

There was no public comment.

IX. ADJOURNMENT

A motion was made by Lt. Calhoun to adjourn the meeting at approximately 12:33 p.m. The motion was seconded by Ms. Darling. All in favor, motion carried.